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09/893,693	06/29/2001	Richard A. Watson JR.	06975-088001	4959

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EXAMINER

COFFY, EMMANUEL

ART UNIT PAPER NUMBER

2157

DATE MAILED: 05/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/893,693

Applicant(s)

WATSON, RICHARD A.

Examiner

Emmanuel Coffy

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 30-50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 30-50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 06-29-2001.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Response to Amendment

1. This action is responsive to the amendment filed on March 4th, 2005. Claims 1-29 are cancelled. Claims 30-50 are new. Claims 30-50 are pending. They represent a Method of "Enabling Communications of Electronic Data Between an Information Requestor and a Geographically Proximate Service Provider."
2. Applicant's arguments with respect to the new claims have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 30-34, 36-37, 39-46 and 48-49 directed to a method are rejected under 35 USC 102(e) as being anticipated by Logan et al. (US 6,578,066).

Logan teaches in a peer hand-off process, a switch receives domain name server lookup request for a particular virtual Internet Protocol (VIP) domain name. The switch examines the source IP-address for the domain name server request, examines the source IP-address for the domain name server request, examines the user's IP-

address, and determines if there is a server site that is geographically close to that user.
(See abstract).

Claim 30

(New) A method for enabling electronic communications, comprising:

receiving, at a primary communications system, a request to access a communications network that is directed to the primary communication system, wherein the request is issued by an online identity operating a client system: (See col. 4, lines 47-51.)(the distributed server switch (108) represents a primary communications system, a domain name server query represents a request to access a communications network, client (102) represents an online identity operating a client system see col. 3, lines 41-45; see also Fig. 1.)

processing the request at the primary communication system; (See col. 4, lines 52-56.)

determining a geographic location associated with at least one of the online identity and the client system; (See col. 4, lines 52-58.)

identifying, based on the determined geographic location, a secondary communications system that is more geographically proximate to the geographic location than the primary communications system; and (See col. 4, line 59- col. 5, line 17; see also col. 9, line 54-col. 10, line 15, Table VI.)

enabling configuration of the client system to use the secondary communications system as an access point to the communications network. (See col. 4, line 60 – the client is then **able**; see also col. 5, line 3-5 – each switch must **enable** client access...)

Art Unit: 2157

Claim 31:

New. The method of claim 30, wherein processing the request further comprises:
authenticating the online identity or the client system at the primary communications system.

As for above claim, "Official Notice" is taken that authenticating a user is well known and expected in the art. It would have been obvious to authenticate the online identity or the client system at the primary communications system since it is a well known and established process in the art.

Claim 32:

(New) The method of claim 30, further comprising enabling configuration of the client system to direct data communications, which are from the client system and subsequent to access by the client system, to the secondary communications system. (See col. 4, line 59-col. 5, line 17.)

Claim 33:

New) The method of claim 30, wherein access to the communications network is granted to the client system by the primary communications system. (See col. 4, line 59-col. 5, line 2.)

Claim 34:

(New) The method of claim 30, wherein access to the communications network is granted to the client system by the secondary communications system. (See col. 5, lines 3-6.)

Art Unit: 2157

Claim 36:

(New) The method of claim 32, further comprising determining whether responses to data communications can be satisfied by electronic data stored in a cache at the secondary communications system. (See col. 4, lines 7-10.)

Claim 37:

(New) The method of claim 32, further comprising performing filtering of data communications at the secondary communications system. (See col. 10, lines 6-35.)

(the weigh-in process represents filtering of data.)

Claim 39:

(New) The method of claim 30, wherein the primary communications system is an online access provider. (See Fig. 1 and col. 3, lines 42-45.)

Claim 40:

(New) A method for enabling electronic communications at a client system, comprising:

submitting a request to access a communications network that is directed to a primary communications system, wherein the request is issued by an online identity operating the client system; See col. 4, lines 47-51.)(the distributed server switch (108) represents a primary communications system, a domain name server query represents a request to access a communications network, client (102) represents an online identity operating a client system see col. 3, lines 41-45; see also Fig. 1.)

receiving from the primary communications system, an indication of a secondary

communications system that is more geographically proximate to the geographic location of the client system than the primary communications system; (See col. 4, line 59- col. 5, line 17; see also col. 9, line 54-col. 10, line 15, Table VI.)

reconfiguring the client system to submit future access requests to the secondary communications system based on the indication received; and (See col. 4, line 60 – *the client is then **able***; see also col. 5, line 3-5 – *each switch must **enable** client access...*)

submitting future access requests from the client system to the secondary communications system. (See col. 4, lines 66-col. 5, line 2.)

Claim 41:

(New) The method of claim 40, further comprising reconfiguring the client system to direct communications, which are subsequent to access from the client system, to the secondary communications system. (See col. 4, lines 66-col. 5, line 2.)

Claim 42:

(New) A method for enabling electronic communications at a secondary communications system that is more geographically proximate to a geographic location of a client system than a primary communications system, comprising: (See col. 4, lines 47-51 and Fig. 1.)

receiving an indication from a primary communications system to process access requests that are issued by an online identity operating a client system, where the access requests are configured to enable access to a communications network; and (See col. 4, line 59- col. 5, line 17; see also col. 9, line 54-col. 10, line 15, Table VI.)

based on the indication received, reconfiguring the secondary communications system to process access requests from the client system to the secondary communications system. (See col. 4, lines 60-col. 5, line 10.)

Claim 43:

(New) The method of claim 42, further comprising processing access requests at the secondary communications system. (See col. 4, lines 66-col. 5, line 2.)

Claim 44:

(New) The method of claim 43, wherein processing access requests further comprises: authenticating the online identity or the client system at the primary communications system.

As for above claim, "Official Notice" is taken that authenticating a user is well known and expected in the art. It would have been obvious to authenticate the online identity or the client system at the primary communications system since it is a well known and established process in the art.

Claim 45:

(New) The method of claim 43, further comprising receiving data communications, subsequent to access by the client system to the secondary communications system. (See col. 4, lines 66-col. 5, line 2.)

Claim 46:

(New) The method of claim 43, wherein access to the communications network is granted to the client system by the secondary communications system. (See col. 5, lines 3-6.)

Claim 48:

(New) The method of claim 45, further comprising determining whether responses to data communications can be satisfied by electronic data stored in a cache at the secondary communications system. (See col. 4, lines 7-10.)

Claim 49:

(New) The method of claim 45, further comprising performing filtering of data communications at the secondary communications system. (See col. 10, lines 6-35.)
(the weigh-in process represents filtering of data.)

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 35 and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Logan et al. '066 in view of Loehndorf, Jr. et al. (US 6,094,437).

Logan teaches the substantially as claimed including in a peer hand-off process, a switch receives domain name server lookup request for a particular virtual Internet Protocol (VIP) domain name. The switch examines the source IP-address for the domain name server request, examines the source IP-address for the domain name server request, examines the user's IP-address, and determines if there is a server site that is geographically close to that user. (See abstract).

Claims 35 and 47:

(New) The method of claims 32 and 45, further comprising encapsulating data communications in a tunneling protocol at the secondary communications system.

Logan does not specifically teach encapsulating data communications in a tunneling protocol. However, Loehndorf teaches Tunneling protocol in extenso. (See col. 1, lines 42-54 in particular, however, the entire document is asserted against the application at bar.)

Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the use of hand-off process disclosed by Logan with tunneling as taught by Loehndorf because tunneling would allow non-IP networks to communicate over the World Wide Web.

7. Claims 38 and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Logan et al. '066 in view of Raciborski. et al. (US 6,658,000).

Claims 38 and 50:

(New) The method of claim 37 and 49, wherein the filtering is performed according to contents filtering.

Logan does not specifically teach contents filtering. However, Raciborski teaches contents filtering in extenso. (See abstract in particular, however, the entire document is asserted against the application at bar.)

Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the use of hand-off process disclosed by Logan with

contents filtering as taught by Raciborski because contents filtering enhance QoS by providing a user access to desired contents without extensive search.

Conclusion

8. **THIS ACTION IS MADE FINAL.**

Applicant's addition of new claims (amendment) necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Emmanuel Coffy whose telephone number is (571) 272-3997. The examiner can normally be reached on 8:30 - 5:00 P.M.


Art Unit: 2157

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Emmanuel Coffy
Patent Examiner
Art Unit 2157

***EC

May 17, 2005


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